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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE AND DETENTION

Note by the secretariat

1. In two notes verbales and in a letter addressed, respectively, on 10 and 22 August and 3 October 2000 to the Office of the High Commissioner for Human Rights by the Permanent Mission of Cameroon to the United Nations Office at Geneva, a request was made to circulate as official documents of the Commission on Human Rights the text of the reply of the Government of Cameroon to the report of the Special Rapporteur on the question of torture, on his mission to Cameroon undertaken from 11 to 20 May 1999 (E/CN.4/2000/9/Add.2) and the text of the statement made by the Permanent Representative of Cameroon following the presentation by the Special Rapporteur of his report at the fifty-sixth session of the Commission on Human Rights.

2. As the above-mentioned statement was read out by the representative of Cameroon at the 27th meeting of the Commission, on 5 April 2000, it has been duly reflected in the summary record of that meeting (E/CN.4/2000/SR.27, paras. 66-71). Therefore, the secretariat is not in a position to issue again the above-mentioned statement as a document of the Commission.

3. The text of the reply of the Government of Cameroon to the report of the Special Rapporteur on the question of torture on his mission to Cameroon is reproduced in the annex to the present document.*

* Reproduced as received, in English and French only.

Annex

REPLY FROM THE GOVERNMENT OF CAMEROON TO THE REPORT OF THE SPECIAL RAPPORTEUR ON TORTURE FOLLOWING HIS MISSION TO CAMEROON FROM 11 TO 20 MAY 1999

I. SUPPRESSION OF TORTURE IN CAMEROON

Cameroon is a State governed by the rule of law which seeks to reconcile the needs of public order and security with respect for individual and collective freedoms.

Cameroon has ratified almost every international human rights instrument and has adapted its internal legal system accordingly. It acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 19 December 1986.

As soon as he took up office as President of the Republic on 6 November 1982, H.E. Paul Biya placed people at the heart of all development activities and advocated a policy of liberalization and democratization which demonstrated from the outset his determination to make human rights one of his top priorities as head of State.

Acts of torture are therefore suppressed in Cameroon.

A. Constitutional and legal framework for the suppression of torture in Cameroon

The Constitution of 18 January 1936 stipulates as follows in its legally binding preamble: "Everyone has the right to life and to physical and mental integrity and must be treated humanely in all circumstances. No one may on any account be subjected to torture or cruel, inhuman or degrading treatment or punishment".

In order to give effect to both the Convention and the Constitution, Cameroon has adopted the following two laws:

(i) Act No. 97/009 of 10 January 1997, which amended and supplemented some provisions of the Penal Code.

This Act inserts article 132 bis, entitled "Torture", into the Penal Code, which primarily defines the offence of torture in the same terms as are used in the Convention, and makes it punishable with a prison sentence of 2 to 5 years, 5 to 10 years, 10 to 20 years or life imprisonment, depending on the mental, bodily or physical damage caused by the act of torture. It also excludes the use of any exceptional circumstances or order from a superior or political authority to justify torture. Furthermore, it makes any act of torture involving a citizen or resident abroad punishable in Cameroon, even if torture is not punishable by law in the country in which that act is committed.

(ii) Act No. 97/010 of 10 January 1997, which amended and supplemented Act No. 64/LF/13, of 26 June 1964, regulating extradition. This Act primarily provides for the universal jurisdiction mechanism which allows Cameroon to bring perpetrators of acts of torture to trial before its own courts in cases where, for one reason or another, they cannot be extradited. It also provides for Cameroon to refuse extradition when the accused would be in danger of being subjected to torture in the requesting State.

B Judicial framework for the suppression of torture

Laws are worth while only to the extent that they are effectively implemented; and it can be asserted on the basis of the following case-law information that the suppression of torture is a reality in Cameroon. A few prominent cases are as follows:

- Bienvenue Moutassi and others, State police officers prosecuted and convicted by the Yaoundé District Court (Judgement No. 176/crim of 5 May 1998),
- Jacques M. Bama and Nsom Bekoungou, senior police officers sentenced to 6 and 10 years' imprisonment, respectively (Judgement No. 195/crim of 26 June 1998).

While these are just two of many decisions which demonstrate the suppression of cases of physical torture, there have also been decisions concerning mental torture:

- Judgement No. 608/cor of 11 November 1997, which convicted an officer of the criminal investigation service of torture, after he had denied a person taken into custody the right to eat, and Judgement No. 728/crim of 15 December 1997 of the Yaoundé District Court, which declared the refusal of a detainee's right to communicate with his family to be an act of torture,
- While not covered by the definitions of offences given in article 132 bis, ill-treatment also does not escape the attention of the Cameroonian judiciary.

Thus, through interlocutory order No. 90/add of 5 February 1997, the Littoral Court of Appeal gave the order for an accused who appeared in court chained by the hands and feet to be unchained immediately.

With regard to the related and equally serious matter of summary executions, whenever the government authorities have been presented with allegations of this nature, they have taken legal action against the perpetrators, who have subsequently received lengthy prison sentences. For example, through Judgement No. 297/97 of 26 August 1997, the Yaoundé Military Court delivered a 15-year term of imprisonment to Mr. Housseni, who had been commander of the gendarmerie brigade at Poli, and had ordered seven detainees suspected of being highwaymen to be executed in cold blood by a firing squad.

With regard to law-enforcement personnel, statutory measures have been taken to ensure that acts of torture and cruel or inhuman treatment do not occur in police and gendarmerie units. Circular No. 00708/SECI/S of 21 June 1993, issued by the Minister of State for the Police, prescribes a number of measures to put an end to acts of torture. Thus:

- Only inspectors and other senior police officers shall be empowered to decide on cases of police custody under the permanent control of the public prosecutor;
- Every morning, the persons in charge of police stations shall check on the situation of persons held in police custody in order to identify in time any sick persons, who must be taken to hospital immediately for appropriate medical care;
- The police custody registers shall be inspected every day by the same persons in charge, who must verify the actual presence, in good health, of the detainees;
- Any inhuman or degrading treatment of citizens at police stations must be prohibited as a working method. This applies to: use of a baton or whip as a means to extract confessions; the practice known as "café" (bastinado), in which persons are beaten on the soles of their feet, and the notorious "see-saw"; improper use of aerosols and service weapons;
- The perpetrators of such violations of the physical integrity of persons shall systematically form the subject of disciplinary action;
- Any individual known to be quick-tempered, impulsive and violent must be dismissed in order to avoid these irreparable abuses of police authority which the public find so abhorrent.

In order to verify the effectiveness of these measures, regular controls are carried out in police units by senior officers. These units maintain a police custody register in which the following information is entered:

- The reason for the police custody; its date and time; the individual's overall appearance at the time when he is taken into custody; his condition at the time of his departure (transfer or release); other details concerning property found in his possession.

The existence of this circular confirms that irregularities observed in police units were violations of the law.

C. Academic study

Intellectuals have also been involved in efforts to combat torture and ill-treatment, and an abundance of literature exists on the subject:

- A work addressing the issue of torture, entitled: "Torture, a human barbarity", has been written by Mr. Alexis Mouelle Dipanda, President of the Supreme Court of Cameroon. It has been widely disseminated in the national media (published by Saint Paul Press in January 1998);
- In his work entitled "Human Rights and Criminal Law in Cameroon" (Edition Economica, Paris 1999), Professor Adolphe She Minkoa addresses the issue of the suppression of torture in Cameroon;
- In an article published in the journal "Juridis périodique" No. 39, July-August-September 1999, Dr. Jean Pierre Begoude, a university lecturer, analyses the Act of 10 January 1997, which he considers to have been a step forward for the protection of human rights in Cameroon;
- In an article published in issue No. 40 of the same journal, October-November-December 1999, Mr. Michel Mahouve, a judge, analyses the prohibition of torture in the light of exceptional circumstances.

Thus, in short, the prevention and suppression of torture are constant matters of concern both for the Government and for civil society.

Nevertheless, in spite of the preventive measures that have been taken, abuses are inevitable owing to the stupidity inherent in human nature. Such instances of stupidity will be prosecuted whenever possible.

II. CONDITIONS OF DETENTION IN CAMEROONIAN PRISONS

With regard to conditions of detention in Cameroonian prisons, it should be noted that Cameroon does not lose sight of the need to protect the rights and freedoms of prisoners.

In this regard, Decree No. 92/052 of 22 March 1992 regulating the prison system, which was largely based on the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations, recognizes every prisoner's right to food, clothing, health and hygiene, as well as his right to constitute a savings fund, to participate in cultural and recreational activities, to benefit from social assistance, to submit complaints, to take part in religious services and to have a decent burial. These rights are established by articles 22, 19, 35, 41, 51, 59 and 64.

Under the terms of the above-mentioned Decree, some categories of detainees, such as women, minors and persons held in pre-trial detention, enjoy special rights. Article 20 of the Decree stipulates that "women must be strictly segregated from men", and article 50, paragraph 2, adds that "women and minors shall be required to work only inside the prison or in the fields belonging thereto".

Article 8 of the Decree stipulates that "persons who have not reached the legal age for imprisonment may be admitted under special conditions, which shall be applicable to both accused and convicted persons".

With regard to persons held in pre-trial detention, article 20, paragraph 1, of the Decree emphasizes the principle that they should be segregated from convicted detainees. It is also prohibited to give them a close-cropped haircut or force them to work.

Moreover, the establishment of a Sub-Directorate of Prison Health in the Directorate of Prison Administration, the creation of a contingency fund in each prison and additional funds to cover the cost of medical drugs for every prisoner, under the terms of Decree No. 95/232 of 6 November 1995 concerning the organization of the Ministry of Territorial Administration, were motivated by the same concern to humanize Cameroonian prisons.

In addition, provisions designed to improve the working conditions of prison staff have greatly transformed the prison environment to ensure more humane treatment of detainees.

Order No. 080 of 10 May 1983, issued by the Minister for Territorial Administration concerning the disciplinary system for prison administration staff, specifically makes provision for disciplinary measures in the event of ill-treatment being inflicted on detainees. These measures range from confinement to quarters to delayed promotion, without prejudice to any criminal proceedings that might be instituted.

The criminalization of torture in Cameroon under the terms of Act No. 97/009 of 10 January 1997, which amended and supplemented some provisions of the Penal Code, followed by the conviction of some police superintendents, also acts as a deterrent to prison administration, police and gendarmerie personnel.

Teams of inspectors are sent into prisons regularly to check that optimum conditions of detention are being maintained, and their visits include the questioning of prisoners, in the absence of prison officials.

On a practical level, internal measures are regularly taken to prevent acts of torture from being carried out on detainees. Order No. 080 of 10 May 1983, issued by the Minister for Territorial Administration concerning the disciplinary system for prison administration staff, specifically makes provision for a whole range of disciplinary measures in the event of ill-treatment being inflicted on detainees. These measures range from confinement to quarters to delayed promotion, without prejudice to any criminal proceedings that might be instituted. Some cases illustrate the practical implementation of these provisions.

With a view to putting an end to the problem of extended periods of pre-trial detention, which is partly responsible for prison overcrowding, the Minister of Justice has embarked upon a vast programme for the building and renovation of law courts, in order to provide the main cities with additional courtrooms and judicial personnel with improved working conditions. This is designed to reduce the burden on cause lists and thereby increase the rate at which cases are heard.

1 Prior to the mission of the Special Rapporteur

- The case of prison guard Joseph Placide Dzou: penalty of 48 hours' additional guard duty for acts of violence against detainee Haman Ousman (Decision No. 46/S/PCY/SAF/BP of November 1992 by the prison warden);
- The case of Mana Atangana: penalty of 48 hours' additional guard duty for ill-treatment of detainee Jules Kouam (Decision No. 08/S/PCY/SAF/BP of 14 May 1993);
- The case of prison guard Major Muesso Mebenga: penalty of three days in a disciplinary cell for acts of violence against a detainee (Decision No. 16/S/PCY/SAF/BP of 16 August 1995).

2. Following the visit of the Special Rapporteur

(a) The prison governor of the New Bell central prison in Douala was transferred to another post following an inspection of the Minat central facilities. The same happened to the governor of the main prison in Bertoua;

(b) Disciplinary measures were taken against Mr. A. Bafoussam, a prison guard who put detainees in chains in a health unit, and against another guard who took away the clothes of three prisoners awaiting trial in Yaoundé central prison.

It is worth noting that the head of State, in his 1998 end-of-year message to the nation, reminded members of the judiciary of the need to speed up judicial proceedings in order to reduce the number of untried prisoners, who account for a large proportion of the prison population. In a manner consistent with this appeal, the Government is working tirelessly to alleviate prison overcrowding as far as possible and to improve conditions of detention by measures such as the transfer of prisoners from their initial place of detention to less crowded prisons.

The main barrier to ensuring the enjoyment of civil liberties is not a shortage of appropriate legal instruments but a lack of the logistical means to implement them. Prisons are old and rundown and the shortage of financial resources makes it difficult to find a solution to the problem.

With a view to relieving the congestion in existing prisons, four new large-capacity prisons were established under the terms of Order No. 0230/A/MINAT/DAPEB/SEP of 4 June 1992. They are:

- Meri prison in the Far North Province, to relieve the congestion of other prisons in the province, such as Maroua prison,
- Tchollire prison in the Northern Province, to alleviate overcrowding in Garoua prison,
- Monatele prison in the Central Province, to alleviate overcrowding in Yaoundé central prison;
- Bazou prison in the Western Province, to accommodate detainees from Bafoussam prison.

All things considered, the political will does exist, but abuses which occur in some prison institutions are the result of a stupidity inherent in human nature, as well as a problem which exists in many countries, namely prison overcrowding, generally owing to a shortage of the means to build prisons in greater numbers.

In this regard, Cameroon signed a cooperation agreement with France in July 1999 for the promotion of human rights which includes a section on the improvement of living conditions for prisoners.

III. REPREHENSIBLE BEHAVIOUR OF SOME TRADITIONAL CHIEFS

Traditional chiefs are subordinate to the government authorities. As such, they act as a link between the Government and the public, relaying the orders of the Government to the latter and the grievances of the public to the former.

All traditional chiefs retain a degree of autonomy in relation to customary law. The office of traditional chief includes a territorial element, but the way each chief operates depends essentially on local customs. Thus, in view of the ethnic complexity of Cameroon, the powers and prerogatives of chiefs vary from one province to another. The government authorities often have to make traditional chiefs whose influence is particularly strong according to local custom understand the changing legal context. However, no traditional chief anywhere has any power to deprive persons of their liberty. Whenever abuses are found to have occurred, the authorities intervene to put a stop to them.

Nevertheless, in some areas, owing to the remoteness of their geographical situation, traditional chiefs retain control of the forces combating large-scale bandit activity, whose role does not exceed the capture of suspects with a view to handing them over to the authorities.

Since the introduction of a full multiparty system in Cameroon, any citizen has the right to create or to participate actively in the affairs of a political party, throughout the national territory.

In this context, no violation of the right to political activity in Mayo-Rey is justifiable. Opposition political parties were free to fight a campaign there in the most recent elections. Some opposition activists were detained in the Northern Province owing to judicial proceedings concerning acts of violence for which they were later found guilty and which arose from a secular conflict between members of different ethnic groups.

IV. ADMINISTRATIVE POLICE CUSTODY

A distinction exists in Cameroon between regular police custody and that which takes place in exceptional circumstances. The following two laws cover this mode of detention.

(i) Act No. 90/054 of 19 December 1990 on law enforcement, which gives the authorities the power to take persons into custody for a renewable period of 15 days in the context of efforts to combat large-scale bandit activity.

However, in order to avoid abuses which might result from differing degrees of misinterpretation of the provisions of this Act, a circular of 13 November 1997 defines the modalities for administrative police custody. The circular stipulates that only governors and prefects are authorized to detain persons in custody, for a period renewable only once if this is necessary, and exclusively in the context of efforts to combat large-scale bandit activity. Any extension beyond the stipulated period requires prior authorization from the Governor or Minister for Territorial Administration, as appropriate. All persons in custody must be held in appropriate facilities and a copy of each detention warrant must be sent to the Minister for Territorial Administration.

(ii) Act No. 90/047 of 19 December 1990, on the state of emergency, provides for the following administrative police custody measures when a state of emergency has been declared:

- A non-renewable period of 7 days on the order of a prefect and 15 days, also non-renewable, on the order of a governor;
- Two months, renewable once on the order of the Minister for Territorial Administration.

These Acts, far from perpetuating any confusion, complement each other by allowing the authorities of the Minister for Territorial Administration to take effective measures in either normal or exceptional circumstances.

V. PLACES USED FOR POLICE CUSTODY AND FAILURE TO RESPECT THE SPECIFIED TIME LIMITS THEREOF

The gendarmerie brigade cells, built during the colonial era, have a limited capacity which is no longer sufficient to accommodate the rising number of criminals detained since the upsurge in large-scale bandit activity. However, within the context of improvements to the gendarmerie brigades, efforts are being made to provide cells which are more spacious and have adequate ventilation and sanitary systems. Moreover, depending on the availability of budgetary resources, there are plans for cells to become progressively larger, with priority being given to those situated in large towns where the crime rate is high. With this is mind, cells of the Limbe

gendarmerie are currently undergoing renovation. Nevertheless, the shortage of financial resources means that it is impossible to extend this renovation work to the whole of the national territory simultaneously.

In addition to having their health checked prior to being placed in a cell, persons taken into custody on gendarmerie premises have their names entered in an ad hoc register called the police custody register. The date and time of admittance into the cell are also recorded. The same information is entered into this document when detainees are referred to the prosecution service or released through lack of evidence. The register enables both the public prosecutor and hierarchical chiefs to check at any time that custody time limits are scrupulously respected. Failure to respect these limits results immediately in disciplinary measures against those responsible for the units in question.

It may happen, however, that, after an unconvicted prisoner has been referred to the prosecution service, a public prosecutor will return him to the brigade and request an additional investigation, which often involves the hearing of individuals who have to be traced and found. In the circumstances it is comprehensible that the person may spend more than the regulation period on the premises belonging to the gendarmerie while the personnel is engaged in tracing the individual or individuals to be heard. The prisoner should in fact consider the brigade's cells to be an extension of the local prison where he was placed following his referral. All the traditional chiefs of the territorial units and the Office of the Inspector-General make regular inspections in order to monitor and rectify the conditions of custody in the cells. Lapses are always noted and sanctioned with no concessions.

In order to combat police custody or detention of an arbitrary nature, Cameroonian law empowers the courts of major jurisdiction to release immediately any person detained without cause.

VI. BEHAVIOUR OF THE GENDARMES

The code of ethics of the gendarmerie condones the use of force or weapons only in specific cases defined by law. Also, any military personnel in breach of the relevant texts are subject to the laws of the Republic and become justiciable like other citizens. Every time an abuse is committed, no matter where, the military command, once informed, has no hesitation in imposing the necessary disciplinary sanctions. These may extend to dismissal of the serviceman in question, without prejudice to judicial proceedings. A citizen need only inform the military command of the ill-treatment or torture to which he has been subjected in a particular unit for the

relevant investigation to be opened. This may lead to sanctions if the abuse proves to have actually occurred. As an illustration, the table in annex I gives the number of gendarmerie personnel sanctioned in 1994-1995 alone for human rights violations.

It may be noted, however, that the emergence of democracy led many citizens to believe that they could do exactly what they liked, thus jeopardizing the very survival of the State and the safety of their fellow citizens. The State has had to act to restore order in the face of disturbances or movements which have often got out of hand. The ridiculously small number of police and armed forces supposedly meant to cope with the situation (according to the regulations) rapidly found themselves overwhelmed as soon as the troubles became widespread.

If it is considered that the High Command required the forces of order to restore order at any price while opposition members advocating general strikes to paralyse towns were engaged in vandalism, the destruction of property and incendiarism in the name of what they believed to be their rights, the situation could not but degenerate, leading to abuses and excesses on both sides. This is the context in which the behaviour of the gendarmes must be placed during that period and all the periods preceding or following the various elections. In our opinion, and without seeking to plead their case, most of the accusations the United Nations Special Rapporteur has made against the gendarmes can be associated with these periods.

As a result of the continual awareness training the gendarmes undergo during courses, in lectures on ethics and in the service notes from High Command, the violence, brutality and other breaches with which they have been reproached are progressively disappearing.

The criminalization of torture (art. 132 bis of the Penal Code) decreed by the authorities has finally sounded the knell for individuals hitherto reluctant to follow orders. The provisions of this article make them fully responsible for their acts. In this area, therefore, each person now knows where he stands.

VII. BREACHES BY GPIG MEMBERS (FAR NORTH)

The phenomenon of highway robbery in the north of Cameroon has taken on such proportions that at one point the State was forced to react for its own survival and credibility in the face of the generalized insecurity created and the climate of terror and obsessive fear in which the population constantly lives. This explains the presence of the multi-disciplinary gendarmerie intervention group (GPIG) in this part of the territory, although its members now stand accused of every evil under the sun. It is a fact that the GPIG is a "ministerial reserve", but like all other units of the armed forces it is totally subject to the laws of the Republic, which

certainly do not authorize summary, arbitrary or extrajudicial executions. There is no ambiguity or equivocation in this regard on the part of the commanding authority; all cases of physical or bodily harm to citizens brought to its knowledge immediately undergo investigation and the perpetrators are brought before the competent courts to answer for their acts. For example, in 1999 some members of the GPIG involved in extortion from members of the population were roundly punished (disciplinary sanctions and referral to the courts). This meant that they were not, as they would have liked it to be thought, untouchable. As regards summary executions, before then and more precisely on 8 January 1994, Gendarmerie Captain Housseini was brought before a military court and charged with the extrajudicial execution of seven persons in Poli province, in the presence of five members of his unit. In its Judgement No. 298/97 of 18 August 1997, the Military Court at Yaoundé sentenced them, on the charge of murder, to the following terms of imprisonment: 15 years (Housseini), 12 years (François Sali and Samuel Baidou) and 10 years (Pagna Fada, Bertrand Wandji and Emmanuel Kano).

Alongside these strict principles, upheld and maintained by the military command, it must be admitted that the activities of some members of the GPIG regularly lead to their involvement in military encounters with highway robbers who, it should be mentioned in passing, are experienced soldiers and heavily armed, coming from neighbouring countries and sometimes aided by nationals. They frequently engage in highway robbery on major roads of economic importance, intercepting users and killing and looting without the least scruple. These encounters may result in people being killed or injured on either side, some of whom go into the bush to die, the armed forces being unaware of this (see the annexed statistics concerning the activities of highway robbers over the last three years, annex II).

The alleged summary and extrajudicial executions which tend to be attributed to the GPIG should rather be placed in this context instead of being put down to a deliberate desire on the part of the GPIG to kill people gratuitously. It appears from a very detailed check with the families of persons claimed to have been summarily executed that the victims were highway robbers who died in battle, and that the families learned of their deaths at a later date. On the basis of the rumours which inevitably become rife on such occasions, the families were quick to attribute the disappearance of their relatives to the GPIG alone, and deliberately ignored the fact that these were cases of equally matched armed combat.

This is also the moment to denounce the behaviour of the representatives of the Movement for the Defence of Human Rights and Freedoms of the Far North, who are apparently siding with the thugs instead of helping the Government, which is trying to restore security and order in the interests of everyone. No one will deny that the other citizens of Cameroon also have a right to life and security. The overall behaviour of these representatives looks far more like complicity with the thugs, whom they want to protect and defer to, rather than a genuine desire to help the Commission on Human Rights to make a fair assessment. We are certain that the international bodies whose task it is to protect and defend human rights cannot become institutions which support criminals and thugs of every type, as is the desire of some ill-intentioned persons who have infiltrated them.

It is true that Colonel Pom (in charge of the GPIG detachment in the Far North Province) made the mistake of refusing to allow Mr. Rodley to visit his premises (although he justified the incident by the time taken by the instructions from the higher echelons to reach him), but we think that it was a personal matter that should not detract from the activities of this specialized unit, which are in fact very positive and much appreciated by the people in the north. In any case, everyone now agrees that the phenomenon of highway robbery has considerably decreased since the GPIG arrived in this part of the territory.

To reassure the international human rights bodies, it should be mentioned that the military command has requested the opening of investigations into all reported cases where the victims are named and the armed services indicated as perpetrators. These investigations are being carried out with all necessary objectiveness by the officers in charge of groups or units designated for the purpose, there being no need to set up a "specialized unit" to carry them out, as the Special Rapporteur on torture of the Commission on Human Rights would have liked.

In conclusion, while for the gendarmerie the present state of our cells is rather more a problem of resources than of a deliberate desire to keep them in this state with all their inconveniences (although noteworthy efforts have already been undertaken to improve them), the overall behaviour of the personnel does not leave the military command indifferent.

In addition to the systematic punishment of perpetrators of offences of any kind against citizens, when the facts are shown to be true, the military command uses service notes and instructions in courses and at lectures on ethics to raise awareness among the personnel and denounce the behaviour to be abandoned (i.e. retrograde conduct) so that they will have a more

harmonious relationship with the population they supervise. This is, of course, a long-term task, but the first fruits are already promising. It is certain that matters will improve with time and progressively bring us into accordance with the principles of the Commission on Human Rights.

In view of the foregoing, any conclusion as to systematic torture, generalized impunity in prisons and the complicity of the authorities concerned would seem to be an exaggeration of the situation.

However, the Government will take steps to pursue the recommendations and comments of the Special Rapporteur. The establishment of a technical committee in 1998 to follow up the implementation of international legal human rights instruments will provide an opportunity for constructive proposals with a view to reforms and improvements in the areas discussed.

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PROMOTION AND PROTECTION OF HUMAN RIGHTS

The role of good governance in the promotion of human rights

Note by the secretariat

1. In its resolution 2000/64, the Commission on Human Rights requested the High Commissioner for Human Rights to invite all States to provide practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by the interested States when required.

2. Accordingly, on 6 September 2000, a note verbale was transmitted by the High Commissioner for Human Rights to the permanent missions of all Member States, requesting relevant information to be included in such a compilation.

3. As of 7 December 2000, replies had been received from Australia, Bolivia, Cuba, Colombia, Denmark, Georgia, Mexico, Norway and Portugal. These are available for consultation in the files of the secretariat.

4. The High Commissioner for Human Rights will continue to process contributions as they are received for eventual inclusion in a compilation of indicative ideas and practices.